

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILTECH TECHNOLOGY, INC., et al.,

Plaintiffs,

v.

No. 1:20-cv-00975-KWR-CG

OSWALD WILSON, et al.,

Defendants.

**ORDER ADOPTING CHIEF MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Chief Magistrate Judge's *Proposed Findings and Recommended Disposition* (the "PFRD"), (Doc. 32), filed June 17, 2021. In the PFRD, the Chief Magistrate Judge recommended that Plaintiffs' *Motion for Entry of Default Judgment as to Defendant Wiltech Energy, LLC and Entry of Order of Payment*, (Doc. 23), be granted as to default judgment against Defendant Wiltech Energy, LLC, but denied as to ordering payment of the Court registry monies. (Doc. 32 at 16).

The parties were notified that written objections to the PFRD were due within fourteen days. *Id.* at 7. On July 1, 2021, Defendant Oswald Wilson filed a one-page letter, including twenty-seven pages of documents, providing details about the subject proposal to install a solar energy system at the Los Lunas Recycling Center and explaining the circumstances around the formation of Wiltech Technology, Inc., and Wiltech Global Technology, Inc. (Doc. 33). He then makes two requests in the letter. *Id.* First, he requests "that all [s]ub contractors and entities that worked on the recycling solar project be paid per the invoice that is submitted." *Id.* at 1. Second, he requests

“that no one be able to have access to [his] proprietary patented technology without [his] knowledge or consent.” *Id.* Mr. Wilson filed a second one-page letter on July 9, 2021, seeking the Court’s permission to supplement the documents he filed on July 1, 2021, and alleging that, in 2017, he paid \$80,000 to the Chief Financial Officer of Wiltech Technology, Inc. (Doc. 34). No objections were filed by Plaintiffs.


The Court will construe Mr. Wilson’s letters as objections to the PFRD. However, the issues raised in the letters are raised for the first time, because Mr. Wilson did not respond to Plaintiffs’ *Motion for Entry of Default Judgment as to Defendant Wiltech Energy, LLC and Entry of Order of Payment*, (Doc. 23). As such, the Court deems such objections waived. *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996); *see also United States v. Garfinkle*, 261 F.3d 1030, 1031 (10th Cir. 2001).

Even if Mr. Wilson had not waived objections to the PFRD, the issues raised in his letter do not appear to directly object to the Chief Magistrate Judge’s analysis. Specifically, the letters fail to address the issue of default by Defendant Wiltech Energy, LLC, and they fail to address the 2019 purchase agreement (instead addressing the 2017 proposal). (Doc. 33); (Doc. 34); *see also* (Doc. 32 at 10-13). The letters do address the Court registry monies at issue, alleging the monies owed have already been paid to Plaintiffs. (Doc. 34 at 1). But that objection would be moot, because the Chief Magistrate Judge recommended *denial* of an order awarding Plaintiffs the monies in the Court registry. (Doc. 32 at 15). The recommendation of the Chief Magistrate Judge is therefore adopted by this Court.

IT IS THEREFORE ORDERED that Plaintiffs' *Motion for Entry of Default Judgment as to Defendant Wiltech Energy, LLC and Entry of Order of Payment*, (Doc. 23), is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED that Plaintiffs' *Motion for Status Conference*, (Doc. 30), which the Court construes as a request for a hearing, is **DENIED**.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE